

# Supplement to AOR 2013-13

From: "Dan Backer" <DBacker@DBCapitolStrategies.com>  
To: <EHeiden@fec.gov>,  
Cc: <ARothstein@fec.gov>  
Date: 09/03/2013 06:00 PM  
Subject: RE: Freshman Hold'em JFC Advisory Opinion Request - follow up to 8/27 phone conversation

OFFICE OF GENERAL  
COUNSEL  
2013 SEP -4 AM 11:35  
FEDERAL ELECTION  
COMMISSION

I prefer and would ask that you please use the full name, and not "The JFC," when referring to Freshman Hold'em, Stutzman for Congress, Gardner for Congress 2012, Tom Reed for Congress, Denham for Congress, Benishek for Congress, Inc., Rodney for Congress, Duffy for Congress, Chris Gibson for Congress, Friends of Joe Heck, Friends of Dave Joyce, Pat Meehan for Congress, Scott Rigell for Congress, Rothfus for Congress, Jon Runyan for Congress, Inc., VoteTipton.com, Valadao for Congress, and Walarski for Congress Inc. Joint Fundraising Committee.

In response to your questions:

1. The membership is not intended to change during any one election cycle, but will change between cycles in response to the results of the elections.
2. That is correct.
3. That is our belief and assertion and basis for our request.
4. That is correct, with the additional representation that the full Joint Fundraising Notice will be posted on the website as well, and linked-too from any other website in the desired shortened disclaimer.
5. That is correct, though the smaller items not otherwise exempt from the disclaimer requirement are not limited to those two items. For example, an item that has been discussed but ruled out specifically due to the disclaimer requirement is decks of playing cards for fundraising purposes, on which the shortened disclaimer would work but the full disclaimer would (to be readable) likely consume the entire surface of one side of the card which would not render it non-functional, but would obliterate the necessary aesthetic value of such an item that is essential to its purpose.

Thank you for your email. Please let me know if you have any additional questions.

Regards,

Dan Backer, Esq.  
202-210-5431 office  
202-478-0750 fax

## DB Capitol Strategies PLLC

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**From:** EHeiden@fec.gov [mailto:EHeiden@fec.gov]  
**Sent:** Tuesday, September 03, 2013 4:59 PM  
**To:** dbacker@DBCapitolStrategies.com

**Cc:** AROthstein@fec.gov

**Subject:** Freshman Hold'em JFC Advisory Opinion Request - follow up to 8/27 phone conversation

Dear Mr. Backer,

Thank you for speaking with us by telephone on August 27 about the request for an advisory opinion that you submitted on behalf of Freshman Hold'em, Stutzman for Congress, Gardner for Congress 2012, Tom Reed for Congress, Denham for Congress, Benishek for Congress, Inc., Rodney for Congress, Duffy for Congress, Chris Gibson for Congress, Friends of Joe Heck, Friends of Dave Joyce, Pat Meehan for Congress, Scott Rigell for Congress, Rothfus for Congress, Jon Runyan for Congress, Inc., VoteTipton.com, Valadao for Congress, and Walorski for Congress Inc. Joint Fundraising Committee (the "JFC").

We would like to verify our understanding of the information that you provided during the discussion. Please respond to this email to confirm the information below, or to clarify or correct any information as necessary. Your response may be posted on the Commission's website as a supplement to the advisory opinion request.

1. The membership of the JFC does not change during the election cycle. Even though membership may change from one election cycle to the next, potential contributors would be able to find the current membership of the JFC at any given time even with a shortened name by going to the JFC's website, [www.FreshmanHoldem.com](http://www.FreshmanHoldem.com), where the full joint fundraising notice is posted.
2. The reference in the advisory opinion request to "Freshman Hold'em" being the JFC's "commonly known" name is based on how the JFC identifies itself in the URL for its website, on its webpages, and in media reports, as well as on emails, nametags, and invitations to JFC events. The reference to "printed materials" in the advisory opinion request was intended to include, among other things, nametags and invitations bearing the shortened form of the JFC's name.
3. The full name of the JFC cannot be conveniently printed nor is its display practicable in written communications because the amount of text necessary for a disclaimer with the full name would distract the reader's attention from the substance of the communication.
4. Although the JFC's full name will appear in the disclaimer on the JFC's main webpage, the JFC would probably use the short form of its name on other websites or webpages that it might use to communicate about specific events, such as a JFC fundraiser.
5. The "smaller items" referred to in the advisory opinion request on which the short form of the name would appear are invitations and donor cards. The JFC does not, however, ask the Commission to opine on whether it may use the short form of its name on small items that are exempt from the disclaimer requirement under 11 CFR 110.11(f)(1).

Thank you for your cooperation.

Sincerely,

Esther Heiden  
Attorney, Policy Division  
Office of General Counsel

**Federal Election Commission**  
**(202) 694-1650**